

REMARKS

In Amendment "A" filed April 23, 2003, claim 1, due to a word processing error, was truncated after Step (d), and Steps (e) through (h) inadvertently were not included in claim 1 in the form presented in Amendment "A". It was not the intention of the Applicants, however, to cancel Steps (e) through (h), and therefore claim 1 is again presented herein with the amendments thereto that were made in Amendment "A", but with the remainder of the steps again being included. In addition to the amendments made to claim 1 in Amendment "A", claim 1 as presented herein has been amended to explicitly refer to the "specific consumable" as being a "non-monetary, specific consumable" and to refer to the "authentic replacement consumable" as being a "non-monetary, authentic replacement consumable."

In the first Office Action dated January 15, 2003, original dependent claim 5 had been stated to be allowable if rewritten in independent form, and claims 7-22 were allowed. In the June 30, 2003 Office Action, there was no explanation as to why this previously-indicated allowability was being withdrawn. Obviously, new references were cited and relied upon as a basis for rejecting the claims, however, there was no explanation as to why these references had not been earlier cited and applied, since they are classified in the same classes and sub-classes as the references which were made of record in the earlier rejection.

Nevertheless, claims 1-4 and 6-22 now stand rejected under 35 U.S.C. §103(a) as being unpatentable over Abumehdi et al in view of Walmsley et al. This rejection is respectfully traversed for the following reasons.

The Examiner relied on the method and apparatus for providing a postage meter with replacement postage as corresponding to the basic method steps and

apparatus components of claims 1 and 7 referring to a "specific consumable" and a "replacement consumable." The Examiner apparently equated "postage" with the term "consumable" as used in claims 1 and 7.

Applicants respectfully submit that even with regard to method claim 1 and apparatus claim 7 in their previous form, reliance on the teachings of Abumehdi as allegedly confirming to the steps and components of those claims was not justified. Nevertheless, as noted above each of independent claims 1 and 7 has been explicitly amended to refer to the consumable and replacement consumable as being non-monetary, which precludes continued reliance on the teachings of Abumehdi et al, since those teachings relate only to replacing postage (or more specifically, replacing credit for postage).

The method and apparatus of the present application are directed to insuring that when a product that is consumed by a device is used up, and therefore a replacement is needed, only an authorized replacement can be installed. In the context of a postage meter, for example, a check is continually undertaken to determine whether an adequate amount of ink exists for continued usage. As set forth in claim 1, a generated code word is allocated to a specific consumable (i.e. "ink") and is stored, and this generated code word is then aggregated with an authentic replacement consumable (i.e. an ink cartridge) at the location of a manufacturer, at the time of the manufacture of the ink cartridge. Only an authentic replacement consumable with the generated code word aggregated therewith can then be used in the device.

Postage, or credit for postage, is therefore not an item which is "manufactured." Applicants therefore respectfully submit that the teachings of the

Abumehdi et al reference are not relevant to the subject matter of claim 1, even in its previous form.

Applicants acknowledge that the Abumehdi et al teaches linking a code word (such as a serial number or machine ID) with a request from a postage meter to be re-credited with postage, and this code word must be recognized at a remote data center in order to allow the data center to, in turn, transmit the requested postage credit back to the machine. This, however, even in the context of treating postage credit as a "consumable," is the opposite of the subject matter set forth in claim 1. In the Abumehdi et al reference, it is the remote data center which must receive an assurance (in the form of a proper, authenticated code word) that the incoming request for postage credit has been sent by an improved meter. Even if the code word is electronically attached by the remote data center to the electronic postage credit which is then sent back to the meter, this attached code word is not used by the postage meter to determine whether the postage credit is "authentic." The question of whether credit is "authentic" is not even relevant. The postage meter assumes that by communicating with the data center, which it does automatically by dialing through a modem, will result in authorized credit being sent, the postage meter does not require any authentication, it is the remote data center that requires authentication from the meter.

In the subject matter of claim 1, the device communicates with a remote location to receive a generated code word, and this code word is then also aggregated with a replacement consumable at a manufacturer. The generated code word thus need not (and most likely will not) come from the same location as the replacement consumable. It is only necessary that the device and the manufacturer

each "know" the generated code word, so that the manufacturer can aggregate that code word with the replacement consumable, and the device can read and recognize the generated code word as authenticating the replacement consumable, when the replacement consumable is installed in the device.

Similar considerations apply to apparatus claim 7. In claim 7, a need to replace a currently used non-monetary consumable is detected, and a microprocessor, which is located at the device that is using the consumable, is informed of the need for a replacement, and establishes a communication link with a remote data center. The microprocessor informs the data center of the code word that is aggregated with the replacement consumable. The microprocessor at the device then receives a message from the remote data center informing the microprocessor whether the replacement consumable is authentic. Again, this is the opposite of the authentication technique disclosed in the Abumehdi et al reference. As noted above, in the Abumehdi et al reference, it is the data center, or the remote facility, that is concerned with authenticating the incoming request for postage credit. The postage meter, when the postage credit is sent thereto from the data center, has no need to "authenticate" the postage credit, even if it has the original code word electronically appended thereto.

Additionally, the Examiner acknowledged that the Abumehdi et al reference does not teach the concept of aggregating an authentic replacement consumable with the generated code word during manufacturing, but relied on the Walmsley et al reference as, according to the Examiner, providing such a teaching. The Walmsley et al reference, however, does not specifically deal with consumables, but only with products in general, and merely provides a technique for authenticating a particular

object, by attaching a microchip thereto wherein an appropriate code word can be stored, and which can communicate with a remote authentication system.

As noted above, the concept of physically placing such a remote chip on a physical object is not applicable to the concept of "postage credit," which is the alleged "consumable" involved in the Abumehdi et al reference. The only way that the Abumehdi et al reference could be modified in accordance with the teachings of Walmsley et al would be if a completely different alleged "consumable" other than postage credit were the subject of authentication in Abumehdi et al, so that it would make sense to physically attach a microchip to such a consumable. Since the Abumehdi et al reference deals exclusively with postage credit, however, this would be a significant redesign, rather than a simple modification, of the Abumehdi et al system, and therefore it would not have been obvious to a person of ordinary skill in the art to modify the Abumehdi et al system in accordance with the teachings of Walmsley et al.

Claims 1 and 7, therefore, would not have been obvious to a person of ordinary skill in the art based on the teachings of Abumehdi et al and Walmsley et al. claims 2-4, 6 and 22 add further method steps to the non-obvious method of claim 1, and claims 8-21 add further components to the non-obvious device of claim 7, and therefore none of those dependent claims would have been obvious to a person of ordinary skill in the art based on the teachings of Abumehdi et al and Walmsley et al, for the same reasons discussed above in connection with claims 1 and 7.

All claims of the application are therefore submitted to be in condition for allowance, and early reconsideration of the application is respectfully requested.

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